

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

GERALDINE RICHWALDER as Executrix of the
Estate of Helen Richwalder, deceased,

Plaintiff,

v.

ORDER
13-CV-325A

UNITED STATES DEPARTMENT OF LABOR,

Defendant.

The above-referenced case was referred to Magistrate Judge Leslie G. Foschio, pursuant to 28 U.S.C. § 636(b)(1)(B). On September 18, 2014, Magistrate Judge Foschio filed a Report and Recommendation, recommending that defendant's motion to dismiss for failure to state a claim (Dkt. No. 8) be granted, and that the plaintiff's motion for summary judgment (Dkt. No. 12) be dismissed as moot. (Dkt. No. 19)

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Foschio's Report and Recommendation, defendant's motion to dismiss for failure to state a claim is granted, and plaintiff's motion for summary judgment is dismissed as moot.

The Clerk of Court shall take all steps necessary to close the case.

IT IS SO ORDERED.

Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: October 9, 2014